



# City of Salisbury

## AGENDA

**REGULAR MEETING**

**September 4, 2025**

Government Office Building  
Route 50 & N. Division Street  
Council Chambers, Room 301, Third Floor

**6:00 P.M. -** Call to Order – Shawn Jester

Board Members: Shawn Jester, Sandeep Gopalan, Maurice Ngwaba, William Hill, and Ed Torbert.

**MINUTES** – August 7, 2025.

**ZONING PUBLIC HEARINGS:** Case #202500983 – Julie Iskandar – 2 ft. Front Yard Fence Height Variance – 1408 Sugarplum Lane – R-8A Residential District.

Case #202501013 – Locita St. Fleur – 2 ft. Side Setback Variance and 14 ft. Rear Yard Setback Variance – 502 E. Locust Street – R-5A Residential District.

\* \* \* \* \*

**\*\*PUBLIC INPUT** – Public comments as part of the public hearings for each case are welcome but are subject to a time allotment of two (2) minutes per person.

***The Board of Appeals reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland, General Provisions Article, Section 3-305(b).***



## **MINUTES**

The Salisbury Board of Appeals met in regular session on August 7, 2025, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

### **BOARD MEMBERS:**

Shawn Jester, Chair  
Maurice Ngwaba  
Edward Torbert  
Miya Horsey

### **ABSENT MEMBERS:**

Sandeep Gopalan, Vice Chair  
William Hill

### **CITY STAFF:**

Betsy Jackson, City Planner  
Beverly Tull, Recording Secretary  
Laura Ryan, City Solicitor

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Mr. Jester called the meeting to order at 6:00 p.m.

\* \* \* \* \*

### **MINUTES:**

Upon a motion by Ms. Horsey, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the July 10, 2025 meeting as submitted.

\* \* \* \* \*

Mrs. Tull administered the oath to anyone wishing to speak before the case heard by the Salisbury Board of Appeals.



\* \* \* \* \*

**RE: Case #SA-25-896 Dr. Brent Zaprowski – 2 ft. Front Yard Fence Height Variance – 301 New York Avenue – R-8 Residential District.**

Dr. Brent Zaprowski and Mrs. Amy Zaprowski came forward. Mrs. Jackson presented and entered the Staff Report and all accompanying documentation into the record. Mrs. Jackson explained that the applicant was requesting permission to construct a 6 ft. tall fence located within the front yard setback.

Mr. Jester moved the Staff Report into the record.

Mrs. Zaprowski discussed the need for the fence as protection and safety. The neighbors watch and stalk here going in and out of her house and vehicle each day. She advised that there had been multiple issues with the neighbors and the police have not done anything to address the complaints. She requested that the fence be allowed to come within 6 ft. of the sidewalk to block the neighbors from watching her. Dr. Zaprowski added that if they could bring the fence at 6 ft. in height at least part of the way towards the sidewalk it would be a help in blocking the neighbors view.

Ms. Nancy Held, neighbor, stated that she didn't think that the fence would be an issue. It's not a danger and wouldn't be blocking the sidewalk. The criteria in the staff report is invalid. The neighboring property is a disaster and the fence would add value and block the neighbors view.

Mr. Ngwaba questioned if there had been any resolution to the incident involving the police that was listed in the letter of request. Mrs. Zaprowski responded in the negative. Mr. Ngwaba questioned the fence being 40-inches from the property line. Dr. Zaprowski responded that the back yard is already fenced in and they would extend the fence down the property line from the existing fence. Mr. Ngwaba questioned if the fence would only be on one (1) side. Dr. Zaprowski responded in the affirmative. Mrs. Zaprowski added that the other side of the property is the driveway and an easement. Mr. Ngwaba questioned if they had explored the landscaping option. Dr. Zaprowski responded that they had considered landscaping but the fence would be a better solution. There was further discussion about the options. Dr. Zaprowski advised that they had posted a No Trespassing sign on a tree that was on their property and that the neighbors were sitting on. He added that they wanted to make the property line more obvious.

Mr. Torbert questioned if they believed that the fence would solve the situation. Mrs. Zaprowski responded that it probably would not solve the situation but it would give her peace of mind that she can come and go out of her house without being stared at. Dr. Zaprowski added that the fence would be to block their view so it probably wouldn't have to go all the way to the sidewalk.

Mr. Jester stated that the allowed 4 ft. fence would delineate the property line. He questioned why they specifically needed to extra feet in height. Dr. Zaprowski responded that the



additional height would be to block their view. Mr. Jester questioned if they were going to do something regardless of whether the variance was approved. Dr. Zaprowski responded in the affirmative.

Mr. Ngwaba questioned if the fence could be 6 ft. in height to the front of the house. Mrs. Jackson responded in the affirmative. Mrs. Tull added that the fence could be 6 ft. in height to the front of the house and then it would have to drop to 4 ft. in height. Dr. Zaprowski stated that the fence would be less than 50 ft. long. Mr. Ngwaba suggested considering the fence to be 6 ft. in height to the front corner of the house and then dropping it to 4 ft. and adding screening.

Mr. Jester questioned the past approval of a fence height variance on a corner lot and if any other fence variances like this request had been granted by the Board in the past. Mrs. Tull responded that the fence height variance for the corner lot had been granted due to the property being a corner lot but that there was no recollection of any other fence variances being granted like this request. Mr. Jester questioned if Staff had looked at what other municipalities have for fence standards in the front yard. Mrs. Jackson responded that she had done some research and most municipalities have a 3 ft. to 4 ft. front yard fence height. Mr. Jester questioned if the Board approved the 6 ft. fence in the front yard that it would set a precedent. Mrs. Jackson responded in the affirmative, adding that the request doesn't meet any of the criteria.

Upon a motion by Mr. Tobert, seconded by Mr. Ngwaba, and duly carried, the Board **DENIED** the requested 2 ft. fence height variance, based on the criteria listed in Section V(c) of the Staff Report.

The Board vote was as follows:

<b>Miya Horsey</b>	<b>Aye</b>
<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>Ed Torbert</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>

\* \* \* \* \*

#### **ELECTIONS:**

Mr. Hill and Mr. Gopalan joined the meeting via phone for the elections. Mr. Torbert made a motion to keep the positions as they currently were. Mrs. Ryan explained that they would need to take each position by itself. Mr. Torbert made a motion to have Mr. Jester remain the Chairman of the Board and it was seconded by Mr. Ngwaba.

The Board vote was as follows:

<b>Miya Horsey</b>	<b>Aye</b>
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<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>Ed Torbert</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>
<b>William Hill</b>	<b>Aye</b>
<b>Sandeep Gopalan</b>	<b>Aye</b>

Mr. Ngwaba made a motion to have Mr. Hill be the Vice Chairman of the Board and this was seconded by Mr. Torbert.

The Board vote was as follows:

<b>Miya Horsey</b>	<b>Aye</b>
<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>Ed Torbert</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>
<b>William Hill</b>	<b>Aye</b>
<b>Sandeep Gopalan</b>	<b>Aye</b>

Mr. Ngwaba made a motion to have Mr. Torbert be the Open Meetings Act Representative and this was seconded by Ms. Horsey. Mrs. Ryan explained that the Open Meetings Act Representative is a State requirement. The City has all Board members take the Open Meetings Act training and then elect one (1) person to be the Representative to make sure the Board adheres to the requirements of the Open Meetings Act. Legal Counsel assist with anything in regards to the Open Meetings Act. Mr. Torbert turned down the nomination. Mr. Torbert made a motion to have Mr. Ngwaba remain as the Open Meetings Act Representative and it was seconded by Ms. Horsey.

The Board vote was as follows:

<b>Miya Horsey</b>	<b>Aye</b>
<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>Ed Torbert</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>
<b>William Hill</b>	<b>Aye</b>
<b>Sandeep Gopalan</b>	<b>Aye</b>

Mrs. Ryan reminded the Board that there is a requirement that the Board members attend at least 50 percent of the meetings per year or they must resign or can be removed.

Mr. Torbert stated that he turned down the Open Meetings Act Representative position because he prefers to remain a low profile Board member.



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MrS. Tull advised that there are two (2) cases for the September 4<sup>th</sup> and verified the members availability.

\* \* \* \* \*

#### **ADJOURNMENT**

With no further business, the meeting was adjourned at 6:42 p.m.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the City of Salisbury Department of Infrastructure and Development Department.

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Shawn Jester, Chair

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Nick Voitiuc, Secretary to the Board

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Beverly R. Tull, Recording Secretary



# City of Salisbury

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## STAFF REPORT

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MEETING OF SEPTEMBER 4, 2025

**Case No.** #202501013  
**Applicant:** Locita St. Fleur  
**Property Owner:** Locita St. Fleur  
**Location:** 502 E Locust St  
**State City Tax Map:** #0112  
**Parcel #1704, Lot #21, Grid #0009**  
**Zoning:** R-5 Residential District  
**Requests:** A side setback variance of 2 ft. and a rear setback variance of 14' to construct a new 28' x 28' two story dwelling.

**I. SUMMARY OF REQUEST:**

The applicant requests permission for a 2 ft. variance to a side setback and a 14 ft variance to the rear setback to construct a 28 ft. x 28 ft. single family home. (Attachment 1)

**II. ACCESS TO THE SITE AREA:**

The property is located on E. Locust Street.

**III. DESCRIPTION OF PROPERTY:**

This property is a nonconforming lot at approximately 3,000 sq. ft. of land area instead of the required 5,000 sq. ft. The width of the lot is 47.98 ft. which is 2.02 ft less than the minimum 50 ft. lot size.

**IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:**

The property and surrounding residential homes are of varying size and height. Directly to the north, across E. Locust St, is an industrial building in the General Commercial District.

**V. EVALUATION:**

- (a) **Discussion:** The Zoning Code requires a 25 ft. front yard setback, two (2) side yard setbacks of 10 ft. each, and a 30 ft. rear yard setback. Section 17.04.180A allows for exceptions to the front setback as follows:

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Department of Infrastructure & Development  
125 N. Division St., #304 Salisbury, MD 21801  
(410)-548-3178  
[www.salisbury.md](http://www.salisbury.md)



*The depth of any required front yard in any district may be increased or decreased so the front yard will approximate the average depth of existing front yards of existing buildings on adjoining lots on each side ...*

The site plan shows a side boundary setback to the west at its shortest distance is 8.2 ft. and a rear yard setback of 16.1 ft. at its shortest. There is also a 10 ft. x 10 ft. deck proposed, however Section 17.04.230 allows unenclosed rear porches to project into the rear yard not greater than 10 ft. The proposed front setback is 13.5 ft. at its shortest distance. The site plan indicates this is compliant and is not the subject of this variance application (Attachment 2).

Many of the lots in this area are nonconforming with dimensions that leave little to no room for development once the boundary setbacks are applied. The minimum lot size in this zone is 5,000 sq. ft. And a minimum lot width of 50 ft. This is particularly difficult for undeveloped lots that cannot use the Zoning Code section relevant to nonconforming structures to maintain an existing footprint. The only option is to request the necessary variances.

- (b) **Impact:** The proposed home will impact adjacent properties because there is currently no dwelling on the parcel, but the variances will not impact adjacent parcels. It is also noted that many parcels in this area do not meet all of the minimum setback requirements.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:

- [1] **Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

The lot is a nonconforming lot due to its area being less than the minimum 5,000 sq. ft. minimum lot size and being less than the minimum 50 ft lot width. The property cannot comply with the required yard setbacks for in the R-5 zoning district. The building restriction lines as shown on Attachment 2 would require any structure with a footprint greater than 28 ft. x 3 ft. to have a variance. Section 17.04.180A of the Zoning Code allows the front setback to be decreased to be the average of the adjacent properties. Even with this





allowance, the plan demonstrates that the maximum footprint would only be approximately 400-500 sq. ft.

- [2] **The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.**

The conditions upon which the application is based are not necessarily unique to this property, because this is not the only nonconforming lot within the City or in this neighborhood. However, generally, to all lots within the same zoning classification are not identified as nonconforming.

- [3] **The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

The practical difficulty is caused by this Title and not been created by intentional action of any person presently having interest in the property. As a nonconforming lot, it would have been created prior to the adoption of the existing Zoning Code. The adoption of the existing Zoning Code created the difficulty by applying restrictions that severely limit the development of the site, if not rendering it entirely undevelopable.

- [4] **The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.**

The granting of the requested variance will not be detrimental to the public health, security and general welfare of the neighborhood. Infill housing development helps to revitalize communities will help provide for the housing needs of the community.

- [5] **The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

The granting of the setback variance requests will increase the value of the property, but this is not the exclusive reason. It is unclear if the improved property will be owner occupied or rented.

- [6] **The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The proposed single-family home will not be detrimental to other properties and will not adversely impact nearby property values.



# City of Salisbury

- [7] **The granting of the variance will not impair an adequate supply of light and air to adjacent property or overcrowd the land or create an undue concentration of population or substantially increase any congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The requested setback variances will not create any hazardous light, air or traffic conditions or create any undue concentration of population. It will not increase the danger of fire or otherwise endanger the public safety.

- [8] **The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested variances will not significantly impact public facilities. Infill development generally has less impact to public facilities because it utilizes existing infrastructure rather than creating new infrastructure that must be maintained.

- [9] **The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

The granting of the variance will not adversely affect the implementation of the City of Salisbury Comprehensive Plan or any other adopted plans.

- [10] **Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

Staff believes that a practical difficulty has been demonstrated to allow a variance from the side and rear setback so that a modest dwelling footprint and onsite parking can be accommodated. The Board has the discretion to grant the variance as requested, or grant a lesser variance.

## **VI. RECOMMENDATION:**

Based upon the findings above, staff recommends **Approval** of the 2 ft. side and 14 ft. rear setback variances as requested.

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

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**TO:** Nicholas Viotiuc, Director  
Secretary to the Board of Appeals

**SUBJECT:**

☐ Special Exception

☒ Variance

Administrative  
Appeal

☐ Nonconforming (\_\_\_ Use \_\_\_ Lot \_\_\_ Structure)

☐ Other

**A. APPLICANT:**

**PHONE:** (410) 603-5325

**FEE PAID:** \$150 - City

**B. LOCATION OF PROPERTY INVOLVED:**

502 EAST LOCUST STREET Salisbury MD 21804

**C. PROPERTY OWNER:**

LOCITA ST. FLEUR

**D. EXPLANATION OF REQUEST:**

1. Code Requires:

2. Proposed:

3. Action Required:

**E. APPLICABLE SECTIONS OF ZONING CODE:**

**F. CERTIFICATION:** I hereby certify I denied issuance of a Building Permit on \_\_\_\_\_ based upon the above information, and that the applicant desires to have his case heard by the Salisbury Board of Appeals.

  
\_\_\_\_\_  
Betsy Jackson  
City Planner

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

**NOTICE TO SALISBURY BOARD  
OF ZONING APPEALS APPLICANTS**

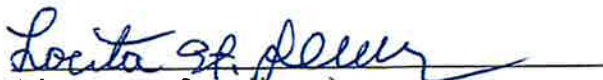
Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:


***B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general circulation, as follows:***

- 1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;***

The billing notice will be provided at the time the hearing notification letter is sent out and is due prior to the public hearing date.

***I have read the above notice and understand that I will be billed for The Daily Times charges for my Salisbury Board of Appeals application.***

  
(signature of applicant)

  
(date)

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

**TO: Nicholas Voitiuc, Director**  
**Secretary to the Board of Appeals**

**SUBJECT:**

**DATE:**

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**CERTIFICATION OF APPLICANT**

In accordance with Section \_\_\_\_\_, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Appeals to:

I certify that I have paid all advertising fees necessary for the public hearing in this matter to a representative of the City of Salisbury Department of Infrastructure & Development. I also acknowledge that additional application fees will be assessed by the City of Salisbury Department of Infrastructure & Development prior to my case being scheduled for official action by the Board.

I certify that my interest in the property is as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

It is my understanding that the property involved will be posted with a Public Notice and I agree to allow the posting and property inspection, if applicable.

Very Truly Yours,

\_\_\_\_\_  
\_\_\_\_\_

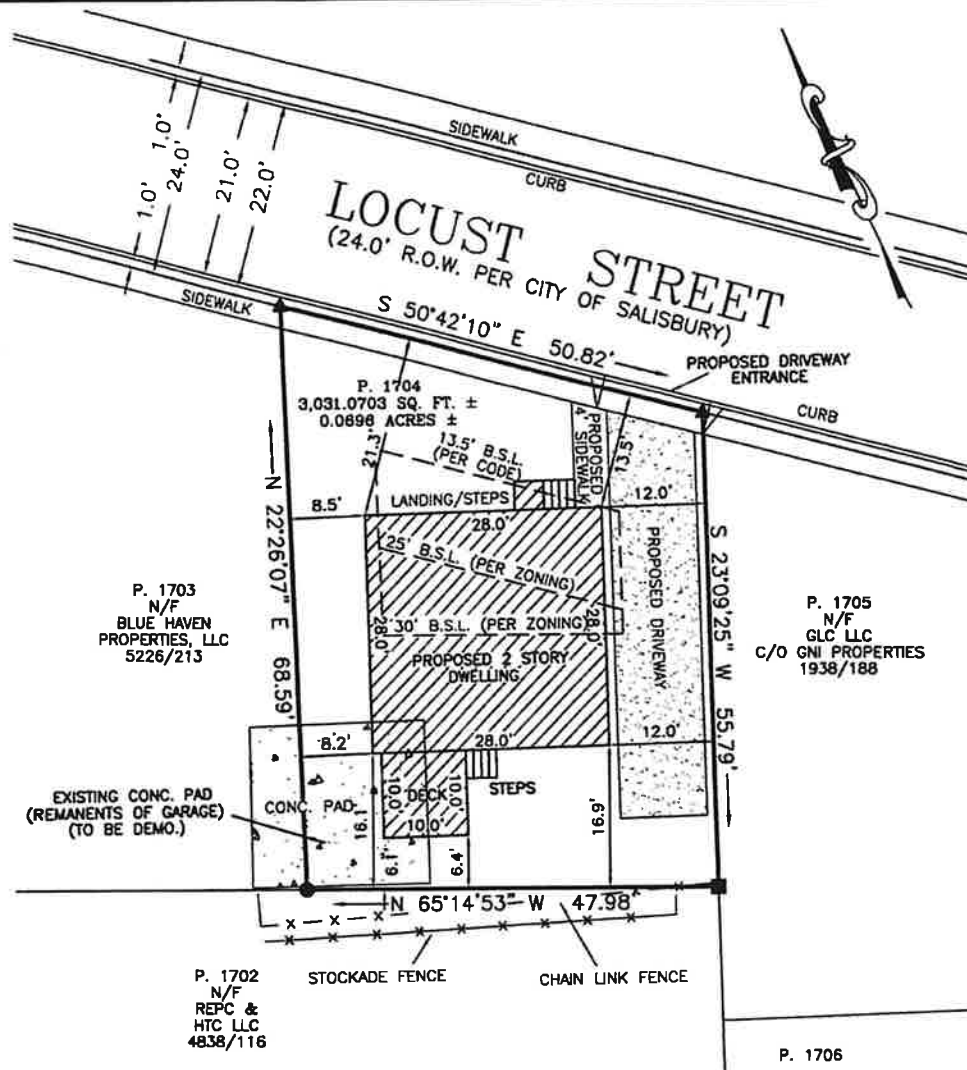
**WITHDRAWAL NOTICE**

I hereby: ☐ Cancel ☐ Withdraw ☐ Postpone

my application for: B'IT A New House

LOE'ITA St Fleur  
Name

8/7/25  
Date



#### NOTES:

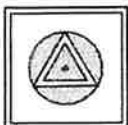
1. ASSESSMENT MAP NO. 112, PARCEL 1704
2. PLAT REF: 2750/645,
3. DEED REF: 5458/467, EAT 74/516, JTT 11/387
4. ZONED: R-5A  
SETBACKS: FRONT=25', REAR=30', SIDE=10'
5. A LICENSED SURVEYOR EITHER PERSONALLY PREPARED THIS SITE PLAN OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT. ALL RELATED SURVEY WORK WAS PERFORMED IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE "MINIMUM STANDARDS OF PRACTICE" ESTABLISHED BY THE STATE OF MD.
6. NO TITLE SEARCH WAS PERFORMED OR REQUESTED DURING THE COURSE OF THIS SITE PLAN AND ANY EASEMENTS, RIGHTS OF WAY, OR OTHER ENCUMBRANCES WHICH A TITLE SEARCH WOULD IDENTIFY MAY NOT BE SHOWN HEREON.

#### LEGEND:

- DENOTES CONCRETE MONUMENT FOUND
- DENOTES IRON ROD W/ CAP SET
- +

#### FLOOD INSURANCE NOTE:

BY GRAPHICS PLOTTING ONLY THIS PROPERTY IS IN ZONE ? OF THE FLOOD INSURANCE RATE MAP, COMMUNITY - PANEL NO. 240078-0009-C, DATED SEPT. 28, 1984. EXACT DESIGNATIONS CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE. BASED ON THE ABOVE INFORMATION, THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.



**F. Douglas Jones**  
**Surveying Associates**

5849 Penny Lane  
Salisbury, Maryland 21801  
Phone: 410-543-2615  
Email: [fjones@jonessurveying.com](mailto:fjones@jonessurveying.com)

#### SITE PLAN

**LUCITA ST FLEUR**  
**LOT 21, "WICOMICO REALTY COMPANY"**  
**502 E. LOCUST STREET**  
**CITY OF SALISBURY**  
**CAMDEN ELECTION DISTRICT**  
**WICOMICO COUNTY, MARYLAND**

SCALE: 1"=20'	DATE: 08/07/2025	FB# IN PG# FILE
DRAWN: FDJ/DLM	SURVEYED: DLM/TGJ	JOB# 25-5676